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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,492	07/23/2003	Susanne Marie Crockett	8285/632	2000

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,492	<b>Applicant(s)</b> CROCKETT ET AL.	
	<b>Examiner</b> Hector A. Agdeppa	<b>Art Unit</b> 2642	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Applicant has noted in the Information Disclosure Statement submission on 2/9/2004 that the listed references are cited on an attached Form PTO-1449. However, no Form PTO-1449 is found with the application. Examiner respectfully requests applicant to submit a Form PTO-1449 containing the listed references therein.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 5, 8, 9, 11, 14, 18, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by US 5,729,592 (Frech et al.)

As to claim 1, Frech et al. teaches receiving a call from a calling station's switch 101 at a called station's switch 102 (Fig. 1, Col. 3, lines 3 – 7); determining if the called station is busy on a call (Col. 4, line 64 – Col. 5, line 3); transmitting the calling directory

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number, called and calling station telephone numbers, any of which read on the claimed information, to service circuit node / intelligent peripheral (SCN / IP) 131, read as the claimed hub switch if the called station is busy (Col. 3, lines 43 – 47, Col. 5, lines 13 – 15); using SCN / IP 131 to generate a query that requests for example, a calling party's name and routing instructions, read as the claimed information associated with the calling communications and obtaining such information (Col. 3, lines 43 – 64, Col. 5, lines 16 – 22); and transmitting such information to the called station (Col. 5, line 30 – Col. 6, line 6).

As to claim 2, Frech et al. teaches initiating or routing an outgoing call to SCN / IP 131. (Col. 5, lines 13 – 48)

As to claims 3 and 8, Frech et al. teaches that such information is queried and received from a service control point (SCP) 121, read as the claimed database. (Col. 3, line 3 – 14 and lines 43 – 66, Col. 5, line 6 – Col. 6, line 6)

As to claims 4 and 5, see the rejection of claim 1 note that if a calling party's name is requested, obtained, and transmitted, then SCP 121 / database must be at least in part, a caller identification with name database. Moreover, because a calling party's name is determined, such is caller identification or identifying a caller.

As to claim 9, Frech et al. teaches automatically transmitting the name of the calling party, read as the claimed audible representation of information. (Col. 3, lines 57 – 65, Col. 5, lines 54 – 59)

As to claim 11, Frech et al. teaches transmitting a call waiting signal, read as the claimed audible call waiting indicator. (Col. 5, lines 54 – 56) Note that this occurs

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before an information associated with the calling station is transmitted. (Col. 5, lines 56 – 59)

As to claim 14, see the rejection of claims 1 and 8. See also Fig. 1 and Col. 3, lines 9 – 14.

As to claim 18, see the rejection of claims 1, 2, and 8.

As to claim 20, see the rejection of claim 9.

As to claim 22, see the rejection of claim 11.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 10, 15 – 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,729,592 (Frech et al.)

As to claims 10 and 21, Frech et al. has been discussed above. What Frech et al. does not teach is providing textual representation of the information. However, callerID functionality is notoriously old and well known and provides the ability for a called party to textually see who is calling him/her. Because the above-discussed audible representation taught by Frech et al. is effected by translating a textual version of a caller's name, for example, it would have been obvious for one of ordinary skill in the art at the time the invention was made to simply have not taken the extra step of translating the textual version and simply transmitting it as is. Motivation for either is also notoriously old and well known. Sometimes, visual representation is more desirable since visual data is at times easier to decipher and able to present more information without becoming burdensome as would be listening to a plethora of data. On the other hand, if visual means are not available such as with older POTS telephone units, audible information is the only viable option for presenting information. Either would be an old and well known design choice or preference.

As to claims 15 and 16, see the rejection of claim 1. What Frech et al. does not teach is having a separate hub switch and SCN or IP.

However, such would have been an obvious alternative to effect to one of ordinary skill in the art at the time the invention was made inasmuch as all the functionality of both the claimed hub switch and SCN or IP are found in SCN / IP 131 of

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Frech et al. Merely separating out certain functionality or locating certain functionality in desired system elements is notoriously old and well known in the advanced intelligent network (AIN) arts. Moreover, Frech et al. does contemplate situations wherein other switches separate that originating (calling station) and terminating (called station) switches and therefore, the SCN /IP 131 could just as easily be located with / connected to one of these intermediate switches which would read on the claimed hub switch.

(Col. 3, lines 22 – 25)

As to claim 17, having a database co-located with an SCP or having the database portion of the SCP located outside of the SCP is again, notoriously old and well known in the AIN arts. Just as discussed with regard to claims 15 and 16, separating out functionality is old and well known. Also, many times, an SCP may need access to more information than its own database contains and is thus connected to another database(s). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have separated from or had another database connected to SCP 121.

4. Claims 6, 7, 10, 12, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,729,592 (Frech et al.) in view of US 5,636,269 (Eisdorfer).

As to claims 6 and 7, Frech et al. has been discussed above. What Frech et al. does not teach is obtaining telephone number information in addition to name information.

However, Eisdorfer teaches playing either a name or number (identifying the calling station) and so it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed the system of Frech et al. to store, obtain, and transmit telephone number information. (Col. 3, line 15 – Col. 4, line 28 of Eisdorfer) This is because 1) both systems teach playing audible announcements for call waiting features and 2) since the information gleaned in both Frech et al. and Eisdorfer include both name and number of the calling station, it would simply be a preference or design choice as to whether or not the telephone number would be included in the audible announcement.

As to claims 12 and 13, Frech et al. has been discussed above as teaching a call waiting audible indicator. What Frech et al. does not specifically teach is what form that indicator takes and transmitting a tone after information is given to the called station.

However, call waiting indicators are merely generated tones and can be nearly anything that is desired, and certainly a single tone. The same is true of playing a tone not only before, but after information is transmitted in that such limitations are merely “cosmetic” in nature whose advantages are simply that the system is perhaps more user friendly or more personalized to a designer or system provider’s needs / wants. That being the case, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used a single tone as well as played a single tone after the information transmission to the called station.



As to claims 10 and 21, for further support of obviousness, Eisdorfer teaches playing either a single tone, repeated tones, tones of varying frequency or some combination thereof for a call waiting indicator. (Col. 3, lines 15 – 21 of Eisdorfer)

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,946,386 (Rogers et al.) teaches a call management system with call control from user workstation computers involving call waiting. US 5,999,611 (Tatchell et al.) teaches a subscriber interface for accessing and operating personal communication services. US 6,233,325 (Frech et al.) teaches a calling party identification announcement service.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

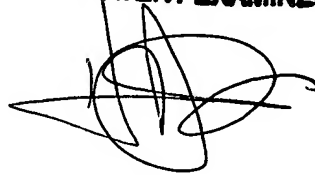
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa  
Examiner  
Art Unit 2642

H.A.A.  
April 25, 2005

**HECTOR A. AGDEPPA**  
**PATENT EXAMINER**

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the left.